

Office of the Standing Chapter 13 Trustee
105 Decker Ct
Suite 1150 11th Floor
Irving, TX 75062
(214) 855-9200 / (214) 965-0757 (Fax)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:
ERVIN FRANK LAYER
Debtor

Case No: 17-32670-HDH-13

Pre-Hearing Date: June 25, 2018

**Notice of Pre-Hearing Conference and Hearing on
"Trustee's Recommendation Concerning Claims, Objection to Claims and Plan
Modification (if required)"**

TO: ALL PARTIES IN INTEREST

A pre-hearing conference with the Chapter 13 Trustee concerning the Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) ("TRCC") will be held at **8:30 a.m. on June 25, 2018** at 105 DECKER COURT, SUITE 120, 1ST FLOOR, IRVING, TX 75062.

Any objection to the TRCC not resolved or defaulted at the Trustee's pre-hearing conference will be heard by the Court at 2:00 p.m. on the same day at 1100 Commerce Street, Fourteenth Floor, Dallas, Texas.

Pursuant to General Order 2017-01, unless an objection is timely filed as to the treatment of any claim or modification, the claim or modification will be allowed or approved as described in the TRCC, and such treatment will be final and binding on all parties.

TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, FILED WITH THE COURT, AND A COPY SERVED ON ANY AFFECTED CREDITORS AND ON THE FOLLOWING PARTIES NO LATER THAN 05/18/2018.

Debtor: ERVIN FRANK LAYER, 9814 FAIRCREST DRIVE, DALLAS, TX 75238
Attorney: ALLMAND LAW FIRM PC, 860 AIRPORT FREEWAY SUITE 401, HURST, TX 76054
Court: CLERK'S OFFICE, US BANKRUPTCY COURT, 1100 COMMERCE ST., 12TH FLOOR, DALLAS, TEXAS, 75202
Trustee: TRUSTEE'S OFFICE, 125 E. JOHN CARPENTER FREEWAY, SUITE #1100, IRVING, TEXAS 75062

By: /s/ Thomas D. Powers

Thomas D. Powers, Chapter 13 Trustee
State Bar No. 16218700

105 Decker Ct, Suite 1150 11th Floor, Irving, TX 75062

Case # 17-32670-HDH-13

Page 2

ERVIN FRANK LAYER

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

Certificate of Service

I hereby certify that a copy of the foregoing Notice of Hearing on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was served on the following parties at the addresses listed below by United States First Class Mail or via electronic mail.

Debtor: Ervin Frank Layer, 9814 Faircrest Drive, Dallas, Tx 75238

Attorney: Allmand Law Firm Pc, 860 Airport Freeway Suite 401, Hurst, Tx 76054**

Creditor(s): Attorney General Of Texas, Oag Csd Mail Code 38, Po Box 12017, Austin, Tx 78711-2017**

Bank Of America, Po Box 619005, Dallas, Tx 75261-9005

Bayview Loan Servicing Llc, M & T Bank, Po Box 1288, Buffalo, Ny 14240-1288

Bayview Loan Servicing Llc, M & T Bank, Po Box 840, Buffalo, Ny 14240-0840

Chase, Po Box 78420, Phoenix, Az 85062

Chase, Po Box 94014, Palatine, Il 60094

Citibank - Student Loans, Po Box 6615, The Lakes, Nv 88901

Citibank Stu, Attn: Bankruptcy, Po Box 6191, Sioux Falls, Sd 57117

City Of Dallas Appraisal, Co Linebarger Goggan Blair & Sampson Llp, 2777 N Stemmons Fwy Ste 1000, Dallas, Tx 75207**

County Of Dallas, Co Linebarger Goggan Blair Et Al, 2777 N Stemmons Fwy Ste 1000, Dallas, Tx 75207**

Coury Jacocks, 2201 W Royal Lane Suite 155, Irving, Tx 75063**

Dallas Co Community College Appraisal, Co Linebarger Goggan Blair & Sampson Llp, 2777 N Stemmons Fwy Ste 1000, Dallas, Tx 75207**

Ecmc, Lock Box No 8682, Po Box 16478, St Paul, Mn 55116-0478**

Ecmc, Po Box 16408, St Paul, Mn 55116**

Federal Loan Servicing, Po Box 69184, Harrisburg, Pa 17106

Internal Revenue Service, Po Box 7317, Philadelphia, Pa 19101-7317**

Internal Revenue Service, Po Box 7346, Philadelphia, Pa 19101-7346**

Linebarger Goggan Blair Et Al, 2777 N Stemmons Fwy Ste 1000, Dallas, Tx 75207-5207**

Lvnv Funding Llc, Resurgent Capital Services, Po Box 10587, Greenville, Sc 29603

Parkland Hospital Appraisal, Co Linebarger Goggan Et Al, 2777 N Stemmons Fwy Ste 1000, Dallas, Tx 75207

Richardson Isd, Perdue Brandon Fielder Et Al, 500 E Border St, Ste 640, Arlington, Tx 76010**

Sallie Mae, Attn: Claims Department, Po Box 9500, Wilkes-Barre, Pa 18773

State Comptroller, Revenue Accounting Div Bankrup, Po Box 13528, Austin, Tx 78711**

State Of Tx Student Loan, Po Box 12788, Austin, Tx 78711

Texas Alcoholic Beverage Comm, Licenses And Permits Division, Po Box 13127, Austin, Tx 78711-3127**

Texas Employment Commission, Tec Building Bankruptcy, 101 E 15Th Street, Austin, Tx 78778**

The Bank Of New York Mellon, Bank Of America Na, Po Box 660933, Dallas, Tx 75266-0933

The Bank Of New York Mellon, Bank Of America, Po Box 31785, Tampa, Fl 33631-3785

Thecb, Tgslc, Po Box 659602, San Antonio, Tx 78265

Thecb, Tgslc, Po Box 83100, Round Rock, Tx 78683

Us Attorney, 1100 Commerce St Ste 16G28, Dallas, Tx 75242

Us Department Of Education, Co Fedloan Servicing, Po Box 69184, Harrisburg, Pa 17106-9184

Us Department Of Education, Fedloan Servicing, Po Box 530210, Atlanta, Ga 30353-0210

Us Department Of Education, National Payment Center, Po Box 105028, Atlanta, Ga 30348-5028

Us Department Of Education, Po Box 16448, St Paul, Mn 55116-0448

**Indicates party has elected to receive all notifications via electronic service and was not served a copy via United States First Class Mail.

Dated: 04/18/2018By: /s/ Thomas D. Powers

Thomas D. Powers

Case # 17-32670-HDH-13

Page 3

ERVIN FRANK LAYER

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:
ERVIN FRANK LAYER
Debtor

Case No: 17-32670-HDH-13

Hearing Date: June 25, 2018

**Trustee's Recommendation Concerning Claims, Objection to Claims and
Plan Modification (if required)**

The Trustee hereby objects to the following claims for the reason(s) indicated, pursuant to Bankruptcy Rule 3007:

I.

OBJECTION -- NO PROOF OF CLAIM FILED

The following creditors were scheduled by the Debtor. No Proof of Claim has been filed by them or on their behalf, as required by Fed. R. Bankr. P. 3002(a). The "bar date" for filing claims pursuant to Fed. R. Bankr. P. Rule 3002(c) has passed. Therefore, the claims should be DISALLOWED.

T'ee #	Creditor's Name	Class	Sched Amount
3	BANK OF AMERICA	Unsecured	\$5,016.00
5	CHASE	Unsecured	\$20,000.00
6	CHASE	Unsecured	\$19,000.00
7	CITIBANK STU	Unsecured	\$29,000.00
18	SALLIE MAE	Unsecured	\$22,426.00

II.

SPECIFIC OBJECTIONS

The Trustee hereby objects to the following claims, for the reason(s) indicated in Column 7. The claims should be ALLOWED/DISALLOWED as indicated in Column 4 for the amount and class indicated in Columns 5 and 6 respectively.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Pacer #	Creditor Name	Claim Amount	Allow/ Disallow	Amount	Class	Reason (See Below)	T'ee #

*** NONE ***

CODE: "REASON(S)" FOR CLAIM OBJECTION

*** NONE ***

Case # 17-32670-HDH-13

Page 4

ERVIN FRANK LAYER

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

III.

TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class listed below.

T'ee Clim #	DSO Creditors	Comment	Claim Amount	%	Paid By
	*** NONE ***				

T'ee Clim #	Mortgage Arrears and Conduit Creditors	Collateral	Claim Amount	%	Paid By
1	BAYVIEW LOAN SERVICING LLC	2ND LN/HOME/GAP ARREARS	\$2,662.84	0.00	Trustee
4	THE BANK OF NEW YORK MELLON	1ST LN/HOME/ARREARS	\$7,261.85	0.00	Trustee
30	THE BANK OF NEW YORK MELLON	1ST LN/HOME/CURRENT	\$53,557.34	N/A	Trustee
31	THE BANK OF NEW YORK MELLON	1ST LN/HOME/GAP ARREARS	\$1,044.98	0.00	Trustee
32	BAYVIEW LOAN SERVICING LLC	2ND LN/HOME/ARREARS	\$7,417.66	0.00	Trustee
33	BAYVIEW LOAN SERVICING LLC	2ND LN/HOME/CURRENT	\$107,468.12	N/A	Trustee
46	THE BANK OF NEW YORK MELLON	FEES, EXPENSES AND CHARGES	\$675.00	0.00	Trustee

T'ee Clim #	Secured 910 Creditors - No Cram Down	Collateral	Claim Amount	%	Paid By
	*** NONE ***				

T'ee Clim #	Secured Creditors	Collateral	Claim Amount	Value	%	Paid By
	*** NONE ***					

T'ee Clim #	Secured Creditors - Surrendered	Collateral	Claim Amount	Value	Paid By
	*** NONE ***				

T'ee Clim #	Secured Creditors - Paid Direct	Collateral	Claim Amount	Paid By
11	COUNTY OF DALLAS	REAL PROPERTY	\$3,327.10	Direct by Debtor
34	RICHARDSON ISD	REAL PROPERTY	\$3,237.93	Direct by Debtor

T'ee Clim #	Priority Creditors	Comment	Claim Amount	Paid By
	*** NONE ***			

T'ee Clim #	Unsecured - Special Class Creditors	Comment	Claim Amount	Paid By
	*** NONE ***			

T'ee Clim #	Executory Contracts/ Unexpired Leases	Comment	Claim Amount	Paid By
	*** NONE ***			

T'ee Clim #	Unsecured Creditors	Comment	Claim Amount
12	US DEPARTMENT OF EDUCATION	STUDENT LOAN	\$83,263.17
24	US DEPARTMENT OF EDUCATION	STUDENT LOAN	\$30,731.17
27	THECB	STUDENT LOAN	\$61,139.34
41	LVNV FUNDING LLC	DISALLOWED/HSCBC	\$1,147.53
44	ECMC	STUDENT LOAN	\$25,229.59

Case # 17-32670-HDH-13

ERVIN FRANK LAYER

Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required)

Page 5

IV.

PLAN MODIFICATION, subject to feasibility

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2017-01, the Trustee requests the following Modification of the Debtor's Confirmed Plan, subject to feasibility, herein:

- Change monthly payment amount from \$2,270.00 per month to \$2,585.00 x 4; \$2,617.00 x 47. This payment change will begin with the payment due on 05/06/2018; and
- The above change(s) will result in a new "BASE AMOUNT" of \$153,295.00 (total due to Trustee under Plan, if all payments timely made).

Reason for Modification

The modification is requested for the following reason(s):

- To cure an insufficient plan.
- Plan must meet the Minimum Base amount of \$113,076.00 and allowed unsecured claims will receive a pro-rata portion of \$4,421.86 from the total amount of Non-Exempt Property.
- To provide for the following claim(s) (See Section III for claim treatment): Bank of New York Mellon - FEES EXPENSES CHARGES

By: /s/ Thomas D. Powers

Thomas D. Powers, Chapter 13 Trustee
State Bar No. 16218700

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